

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Peter VIRICA et al.

Serial No.: 10/599,241

Filed: November 20, 2006

Confirmation No.: 6154

Date: August 14, 2009

Group Art Unit: 3751

Examiner: Karen L. Younkins

For: DISPENSER FOR RELEASING TREATMENT COMPOSITION INTO A TOILET BOWL

VIA EFS-WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

The Notice of Non-Compliant Amendment dated July 14, 2009, stated that one or more unspecified claim change(s) were not marked in the Amendment dated May 15, 2009.

Reconsideration is requested.

The only amended claim in that Amendment was claim 22. The undersigned telephoned the Examiner on July 27, 2009, and pointed out that necessary punctuation was added in claim 22, at the end of line 3, and that that change was properly marked.

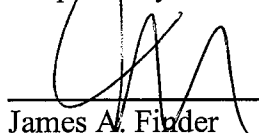
The Examiner agreed to issue a supplemental letter vacating the Notice of Non-Compliant Amendment. However, the letter has not yet been received.

The Examiner is respectfully requested to vacate the incorrect Notice of Non-Compliant Amendment and continue with the examination of this application.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON August 14, 2009.

JAF:lf

Respectfully submitted,



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10/599,241	11/20/2006	Peter Virica	P/25-313 V1449	6154

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NEW YORK, NY 100368403

EXAMINER

YOUNKINS, KAREN L

ART UNIT PAPER NUMBER

3751

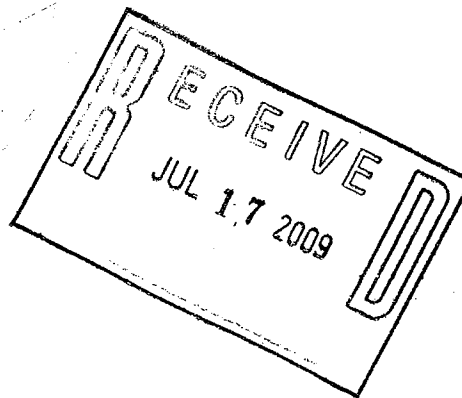
MAIL DATE DELIVERY MODE

07/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



10/599,241-313
14-Aug-2009
PATENTS ORDERED

Ref
gb

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/599,241

Examiner

KAREN YOUNKINS

Applicant(s)

VIRICA ET AL.

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 29 April 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/K. Y./
Examiner, Art Unit 3751

/Gregory L. Huson/
Supervisory Patent Examiner, Art Unit 3751

Continuation of 4(e) Other: The claims must be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. See MPEP 714.02 .